



UNITED STATES PATENT AND TRADEMARK OFFICE

Technology Center 1700.

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In re application of
John Leiber et al.
Serial No. 08/976,820
Filed: November 25, 1997
For: USE OF AN ADHESIVE TAPE SECTION:

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:
: DECISION ON
: PETITION
:

This is a response to the "PETITION TO WITHDRAW HOLDING OF ABANDONMENT", filed June 26, 2004. The petition requests that the abandonment, as set forth in the Notice of Abandonment of May 24, 2004, for failure to timely file a proper response to the Decision by the Board of Patent Appeals and Interferences rendered on April 28, 2004 be withdrawn. The petitioner asserts that the abandonment was prematurely issued and applicants filed a Request for Continuous Examination (RCE) on June 28, 2004.

DECISION

The instant request is accepted as a timely petition under 37 C.F.R. 1.181 (no fee). A review of the instant application file indicates that the Notice Of Abandonment of May 24, 2004 was prematurely prepared by the Examiner and mailed, when in fact the applicants had until June 28, 2004 to seek Court review of the Decision. Therefore, when the Notice of Abandonment of May 24, 2004 was mailed the instant application was not in fact abandoned. A review of the USPTO application file indicates that a Request for Continuous Examination (RCE) under 37 CFR 1.114 was filed on June 28, 2004.

Therefore, the abandonment is hereby withdrawn, and the application is returned to



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pending status. The case will be forwarded to the Technical Support Staff for entering of the RCE filed June 28, 2004 and then forwarded to the examiner for prompt consideration.

The Petition is **GRANTED**.

Jm Stone

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